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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------|
| 10/688,226 | 10/16/2003 | Hans Joachim Fuchs | 71151 | 9467 |
| 23872 | 7590 | 12/01/2005 | | |
| MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227 | | | EXAMINER NGUYEN, TAN QUANG | |
| | | | ART UNIT 3661 | PAPER NUMBER |

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/688,226 | FUCHS, HANS JOACHIM | |
| | Examiner | Art Unit | |
| | TAN Q. NGUYEN | 3661 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9,12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9,12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAIL ACTION

Notice to Applicant(s)

1. This office action is response to the amendment filed on October 04, 2005. As per request, claims 1, 6, 9, 12, 14-16 have been amended. Claims 17-20 have been added. Claims 8, 10, 11 and 13 have been canceled. Thus, claims 1-7, 9, 12 and 14-20 are pending.
2. It is noted that claim 9 should depends on claim 1 instead of the canceled claim 8.
8. It is assumed that claim 9 depends on claim 1 for the rejection below.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
4. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 20, line 1, the phrase "said foil" has no antecedent basis since there is no indication of the "said foil" in claim 12. Correction is requested.
6. The following rejections are based on the examiner's best interpretation of the claims in light of the 35 U.S.C. 112 errors noted above.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject

matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2 and 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al. (6,807,464) in view of Northman et al. (6,870,655).

9. As per claims 1, 2 and 9, Yu et al. disclose the invention as claimed which includes a radio receiver (see column 2, lines 37-40) for receiving signals transmitted by the information controller (see column 3, lines 47-60), a control unit in which the output signal of the device can be processed (see figures 3 and 8), and a signaling device arranged in the motor vehicle to signal the current status of the traffic signal to the driver in an optically perceivable fashion (see at least figure 11). Yu et al. further disclose that the vehicle control information can be provided via a rear view mirror (see at least column 11, lines 23-33), wherein the traffic light with the red light illuminated is one of the vehicle control information (see column 9, lines 15-29).

10. Yu et al. do not explicitly disclose that the signaling device comprises at least one of an electroluminescent elements and at least two LEDs of different colors. However, Northman et al. suggest a rearview mirror with display includes the use electroluminescent or LEDs of different colors (see at least figure 13 and the related text). It would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate such teaching of Northman et al. into the system of Yu et al. in order to display the traffic lights with either the LEDs or electroluminescent for the driver to readily perceive the traffic intersection.

11. As per claims 6 and 7, Yu et al. also disclose an actuating element that acts upon the steering wheel (see column 11, lines 29-36).

12. With respect to claims 12 and 14-16, the limitations of these claims have been noted in the rejection above. They are therefore considered rejected as set forth above.

13. With respect to claim 19, Northman et al. further disclose the display device is provided with illumination on certain parts of the reflective glass of the rear mirror (see at least figures 4, 13, 18-20).

14. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al. and Northman et al. as applied to the claims above, and further in view of Norris et al. (2004/0080618).

15. Yu et al. and Northman et al. disclose the claimed invention as discussed above except that the device for recognizing the current status of a traffic signal is a three-element color sensor. However, Norris et al. suggest a smart camera having three-element color sensor (see at least paragraph 0085). It would have been obvious to one of ordinary skill in the art to incorporate such teaching into the Yu et al. system and Northman et al. in order to detect the traffic light more accurately.

16. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al. and Northman et al. as applied to the claims above, and further in view of Trajkovic et al. (6,727,807).

17. Yu et al. and Northman et al. disclose the claimed invention as discussed above except that the device for recognizing the current status of a traffic signal is a camera. However, such teaching is well known at the time the invention was made and is shown in at least the abstract, column 3, lines 1-29 of the Trajkovic et al. reference. It would have been obvious to one ordinary skill in the art at the time the invention was made to

incorporate such teaching of Trajkovic et al. into the system of Yu et al. and Northman et al. in order to eliminate the use of the central controller of the Yu et al. system and Northman et al., in which the vehicle obtain the traffic light from its on-board camera and thereby reducing the cost or fee that may cost when request the vehicle control information as disclosed in Yu et al.

18. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al. (6,807,464) as applied to the claims above, and further in view of Turnbull et al. (6,297,781).

19. Yu et al. disclose the invention as claimed which includes a radio receiver (see column 2, lines 37-40) for receiving signals transmitted by the information controller (see column 3, lines 47-60), a control unit in which the output signal of the device can be processed (see figures 3 and 8), and a signaling device arranged in the motor vehicle to signal the current status of the traffic signal to the driver in an optically perceivable fashion (see at least figure 11). Yu et al. further disclose that the vehicle control information can be provided via a rear view mirror (see at least column 11, lines 23-33), wherein the traffic light with the red light illuminated is one of the vehicle control information (see column 9, lines 15-29).

20. Yu et al. do not explicitly disclose that the signaling device is integrated into the mounting bracket. However, Turnbull et al. suggest a rearview mirror assembly with includes a display integrated either inside the rearview mirror or in the mounting bracket (see at least column 4, lines 51-56). It would have been obvious to an ordinary skill in the art at the time the invention was made to modify the teaching of Yu et al. to have the option of integrating the display into the mounting bracket as suggested by Turnbull et al. in order to provide a clear view for the user.

21. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al. and Turnbull et al. as applied to claim 17, and further in view of Northman et al. (6,870,655).

22. Yu et al. and Turnbull et al. disclose the claimed invention as discussed above except for the signaling device is formed by three light emitting diodes. However, Northman et al. suggest a rearview mirror with display includes the use electroluminescent or LEDs of different colors (see at least figure 13 and the related text). It would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate such teaching of Northman et al. into the system of Yu et al. in order to display the traffic lights using three LEDs for the three different color light of the traffic signal in order for the driver to readily perceive the traffic intersection.

Remarks

23. Claims 1-7, 9, 12 and 14-20 are rejected.

24. The following references are cited as being of general interest: Regan (6,218,934), Buckley et al. (6,218,934), and Gallmeyer (4,882,565).

25. Applicant's arguments filed on October 04, 2004 have been fully considered. Upon the amended claims and the newly added claims that raise new issues, the new ground of rejection has been set forth as above.

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3661

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Q. Nguyen, whose telephone number is (571) 272-6966. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (571) 272-6956.

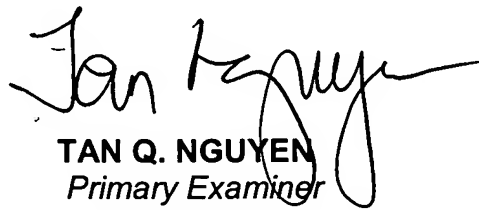
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to the Official Fax Center: (571) 273-8300.

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/tqn
November 28, 2005


TAN Q. NGUYEN
Primary Examiner
Art Unit 3661